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Chief Executive Officer

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September 15, 2011

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

WASHINGTON, D.C. UPDATE ON CHILD WELFARE LEGISLATION

On September 14, 2011, the House Ways and Means Committee approved, on a voice vote, H.R. 2883, the Child and Family Services Improvement and Innovation Act, which is bipartisan House-Senate compromise legislation that reauthorizes the Title IV-B Child Welfare Services (CWS) and Promoting Safe and Stable Families (PSSF) programs and also reauthorizes the Secretary of Health and Human Services (HHS) to approve new child welfare waiver demonstration projects.

The Committee gutted and amended H.R. 2883 to add language similar to H.R. 2790, which reauthorizes the CWS and PSSF programs through FFY 2016 at current funding levels, and child welfare waiver extension language, which more closely follows S. 1013, the Senate Child Welfare Waiver bill, than H.R. 1194, the House version. These bills were discussed in the August 30, 2011 Washington, D.C. Update in which we reported that the County's advocates will support H.R. 2790 or similar legislation which would reauthorize the CWS and PSSF programs, and which would extend the authority of HHS to grant child welfare waivers and make it easier to renew waivers while opposing language which would reduce state and local flexibility under waivers or restrict the ability of California to renew its current waiver.

Similar to S. 1013, H.R. 2883 would authorize HHS to approve child welfare waivers through FFY 2014 and add new waiver application requirements, including a requirement that participating states implement at least two new child welfare

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improvement policies, including one new policy to obtain a waiver. The bill importantly includes County-supported language which clarifies that the new requirements apply only to new waivers and not to the renewal of existing waivers, such as California's. H.R. 2883 also does not reduce the maximum duration of waiver from 5 years to 3 years, as proposed in S. 1013. However, similar to S. 1013, H.R. 2883 includes a provision which sunsets all waivers, including existing ones, except that the sunset date is September 30, 2019 which is one year later than in S. 1013. The Senate insisted on including a sunset date for waivers in order to provide an incentive for Congress to act on child welfare reform legislation. The September 30, 2019 sunset date should not affect California's current Title IV-E waiver if it is renewed for another 5 years. This is because the State's current waiver will expire on June 30, 2013. To the extent that more states are likely to obtain Title IV-E waivers over the next few years, there should be more broad-based support for legislation to extend waiver authority beyond 2019.

H.R. 2883 is expected to be scheduled for the House Floor on September 20, 2011 and to pass the Senate later next week. This is because the CWS and PSSF programs, which assist states in providing a broad range of child welfare services to children who have been abused or neglected, will expire at the end of the month.

We will continue to keep you advised.

WTF:RA
MR:MT:lm

c: All Department Heads
Legislative Strategist